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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,404	06/12/2001	Akila Sadhasivan	42390P10595	7126

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EXAMINER
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ELMORE, REBA I

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/880,404

Applicant(s)

SADHASIVAN ET AL.

Examiner

3Reba I. Elmore

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on papers filed April 22, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 19-21 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 19-21 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-14, 19-21 and 25-29 are presented for examination.

### *Drawings*

2. The objection to the drawings is *withdrawn* due to the amendment.

### *Specification*

3. The objection to the disclosure is *maintained* and repeated below. The objection is made in order to provide additional clarity of the present invention in the disclosure.
4. The disclosure is objected to because of the following informalities: the disclosure should contain a section titled 'Brief Summary of the Invention' placed after the background of the invention and before the description of the drawings. The following is given to provide further guidelines for this requirement.

Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Appropriate correction is required.

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*35 USC § 102*

6. The rejection of claims 8 And 19-21 as being anticipated by Hazen et al. is *withdrawn* due to the amendment.

7. The rejection of claims 19-21 as being anticipated by Brown et al. is *maintained* and repeated below.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated Brown et al. (P/N 6,201,739 B1)

10. Brown teaches the invention (claim 19) as claimed including an apparatus comprising:  
a memory device having a code partition and a data partition, wherein the code partition comprises a low level function that is performed on data stored in the data partition as the functionality of suspending erase operations on any block in the memory device including the blocks comprising the data partition (e.g., see col. 5, lines 46-67); and,

a flag to indicate when a suspend operation has occurred (e.g., see Figures 10-11).

As to claim 20, Brown inherently teaches a low level function for determining that a suspend operation has occurred if a requested second task of the data partition has a higher priority than a first task of the data partition as this must take place for the proper execution of code accessing data in order to provide correct results of the program code being executed.

As to claim 21, Brown teaches the memory device is a flash memory (e.g., see col. 5, lines 22-35).

**35 USC § 103**

11. The rejection of claims 1-7, 9-14 and 25-29 as being unpatentable over by Hazen et al. in view of Brown et al. is ***maintained*** but updated to include claim 8 as given below.

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-14, 19-21 and 25-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Hazen et al. (P/N 6,088,264) in view of Brown et al. (P/N 6,201,739 B1).

14. Hazen teaches the invention (claims 1 and 8) as claimed including a method of performing multiple operations on a memory device, the method comprising:

dividing the memory device into k partitions, wherein k is an integer greater than or equal to two as partitioning a flash memory into partitions (e.g., see Figures 2-3 and col. 3, lines 29-59);

performing code operations from m code partitions out of k total partitions, wherein m is an integer greater than or equal to one as the memory device being partitioned such that a first partition is used to store data while a different second partition stores code and a third partition is used for updating the code (e.g., see col. 3, lines 44-59); and,

performing data operations from n data partitions out of k total partitions through low level functions accessed from the code partitions at approximately the same time as the code

operations are performed from the  $m$  code partitions wherein  $n$  is an integer greater than or equal to one as having the ability to either update the code utilizing a third partition while the original code in the second partition is concurrently executing as well the condition of executing code from a first partition while updating data in a second partition (e.g., see col. 3, lines 44-59).

Hazen does not specifically teach the method step of suspending the data operations of the  $n$  data partitions if a preempting operation is detected, however Brown teaches using a preempt pin to suspend operations in a flash memory device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the preempt pin arrangement with the partitioned flash memory device as taught by Hazen because the suspension of a command allows greater flexibility and longevity for flash memory devices by utilizing a more sophisticated control structure rather than always erasing and writing to a flash memory device which has a limited number of times for being written to and erased. By incorporating a preempt or suspend operation with the flash memory code fetching data from the data partition operations is also preempted or suspended under certain conditions because the code must use data from the data partition for the operation. The command decoder and command latches decode read and read status to the data partition and therefore allow these commands to be preempted or suspended similarly to the preemption or suspension of the execution of code held in the code partition.

Hazen does not specifically teach determining from the first operation of the first partition if the second operation of the second partition has a higher priority than the first operation of the second partition, however, Brown teaches being able to suspend operations depends upon which operations being executed which inherently requires determining the

priority of execution of the code (e.g., see Figures 11-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown with the teachings of Hazen because this functionally allows the completion of the operation without requiring extensive resetting or restarting of the program or activity and thereby allows for a more concise and accurate operation of the device.

As to claim 2, Hazen teaches the data partition and the code partitions do not overlap each other in the memory device (e.g., see Figures 2-3 and col. 3, lines 16-23).

As to claim 3, Hazen teaches the  $m$  code partitions and the  $n$  data partitions equal the  $k$  total partitions as there being three total partitions with one data partition and two code partitions (e.g., see Figures 2-3 and col. 3, lines 38-59).

As to claim 4, Hazen teaches each of the  $m$  code partitions are equal in size to each of the  $n$  data partitions as one of the possibilities for the multi-partitioned flash memory device, i.e. the partitions can be either the same size or different sizes (e.g., see col. 2, lines 23-43).

As to claim 5, Hazen teaches the  $m$  code partitions and the  $n$  data partitions are fixed in memory space (e.g., see col. 2, lines 23-43).

As to claim 6, Hazen teaches the memory device is a flash memory (e.g., see col. 2, lines 23-43).

As to claim 7, Hazen teaches the flash memory is a flash electrically erasable read only memory (EEPROM) array (e.g., see col. 1, lines 9-18).

As to claims 9 and 10, Hazen does not specifically teach a means for saving a preempted operation before entering an interrupt routine and then restoring a preempted operation following an interrupt routine, however, Brown teaches both erase suspend circuitry and program suspend

circuitry with latches to maintain the operations in order to resume either the erase function or the program function which was suspended (e.g., see Figure 9 and col. 7, line 19 to col. 8, line 25)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown with the teachings of Hazen because this functionally allows the completion of the operation without requiring extensive resetting or restarting of the program or activity and thereby allows for a more concise and accurate operation of the device.

15. Hazen teaches the invention (claim 11) as claimed including a memory array comprising:

a data partition (e.g., see Figures 2-3 and col. 3, lines 38-59);

a code partition (e.g., see Figures 2-3 and col. 3, lines 38-59);

a status mode to provide a partition status from the memory array if a task request is received by the data partition (e.g., see col. 2, lines 60-64 of Hazen), wherein if the partition status is busy, an algorithm in the code partition determines whether the task request preempts an existing task is better taught by the secondary reference, Brown et al. Brown also uses status registers for each partition (e.g., see col. 6, line 47 to col. 7, line 18) and it is inherent that an algorithm exist for a task being preempted as this is a normal program activity for when a conflict for using the same memory location is executed, for instance, in order to maintain data coherency there are times writes must take place before a read to a memory location for vice versa – this is typical of any memory device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown with the teachings of Hazen as Brown is providing details and more complete circuitry for a function which Hazen must also implement as every memory device must maintain coherency with the



other memory within the system as well as with the execution sequence of the algorithms or code being executed; and,

a read mode to enable code and data to be read from the memory array (e.g., see col. 2, lines 16-22); and;

a write mode to enable data to be written to the memory array (e.g., see col. 2, lines 16-22).

As to claim 12, Hazen teaches the code is programmed into the memory array (e.g., see col. 3, lines 38-59).

As to claim 13, Hazen teaches the write mode enables erase operations to be performed on data stored in the memory array (e.g., see col. 2, line 65 to col. 3, line 19).

As to claim 14, Hazen teaches the memory array is a flash memory array (e.g., see (e.g., see col. 1, lines 9-18).

16. Hazen teaches the invention (claim 25) as claimed including a method comprising:

running a first operation of a first partition of a memory array as executing an operation (e.g., see col. 3, lines 38-59);

running a first operation of a second partition of the memory array as the ability to access each partition independently (e.g., see col. 3, lines 38-59); and,

Hazen does not specifically teach determining from the first operation of the first partition if the second operation of the second partition has a higher priority than the first operation of the second partition, however, Brown teaches being able to suspend operations depends upon which operations being executed which inherently requires determining the priority of execution of the code (e.g., see Figures 11-14). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of Brown with the teachings of Hazen because this functionally allows the completion of the operation without requiring extensive resetting or restarting of the program or activity and thereby allows for a more concise and accurate operation of the device.

As to claim 26, Brown teaches suspending the first operation of the second partition if the second operation has a higher priority than the first operation as Brown being suspend operations depend upon which operations being executed which requires determining the priority of execution of the code (e.g., see Figures 11-14).

As to claim 27, Brown teaches setting a flag to indicate that the first operation of the second partition must resume after the second operation is completed (e.g., see Figures 11-14).

As to claim 28, Brown inherently teaches running the second operation of the second partition.

As to claim 29, Brown teaches ignoring the request to perform the second operation of the second partition if the first operation has a higher priority than the second operation as the ability to suspend operations as necessary (e.g., see Figures 11-14).

***Response to Applicant's Remarks***

17. Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed April 22, 2004 have been fully considered but they are not persuasive.

18. As to the Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgement on obviousness is

in a sense necessarily a reconstruction based upon hindsight. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Applicant's disclosure, such a reconstruction is proper *In re McLaughlin*, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

19. As to a '*suspending the data operations of the n data partitions if a preempting operation is detected*' not being taught, this element is taught to the extent required by the actual claim language. The presence of a suspend pin in the Brown reference does not mean there is not also needed a suspend or preempting operation.

20. Additionally, as *suspending the data operations of n data partitions out of k total partitions*, not being taught by either reference or the combination of references, this is an oversimplification of the prior art. The memory shown and discussed in both the Hazen and Brown references is partitioned memory. The memory partitions are not limited to containing a particular type of information but must have both data for data operations and code for other types of operations. Also, all such systems store low level functions or operational code. Without further claimed details, these limitations are taught to the extent required by the actual claim language.

21. As to Hazen disclosing only write operations and read operations, even though these particular operations are the operations discussed in detail in the reference, the teachings of the reference are not so limited. The reference teaches flash memory and one of ordinary skill in the art has knowledge of the additional functionality this type of memory.

22. In response to the Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that references cannot be arbitrarily combined and there

must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references, *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures *In re Bozek*, 163 USPQ 545 (CCPA) 1969. Reasoning for combining the references is given above in the body of the rejections.

23. As to the combination of references not teaching enabling a read mode or a write mode, these operational modes are taught since the references teach both reading and writing to the flash memory. As to the combination of references not teaching a status mode, this is strongly disagreed with as the status of a flash memory is extremely important for the use of the flash memory device.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reba I. Elmore, whose telephone number is (703) 305-9706. The examiner can normally be reached on M-TH from 7:30am to 6:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor for AU 2187, Donald Sparks, can be reached for general questions concerning this application at (703) 308-1756. Additionally, the official fax phone number for the art unit is (703) 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703) 305-3800/4700.



Reba I. Elmore  
Primary Patent Examiner  
Art Unit 2187

May 11, 2004